IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY SECOND DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 16064 of 2005

Between:

1. Allam Venkatarao @ Venkateswararao, S/o Ramamurthy, age: 29 years.

2. Allam Raja, S/o Ramamurthy, age: 27 years, Both are cultivators, R/o Oguru (V), Kandukur(M), Prakasam District.

..... PETITIONERS

AND

1. State of A.P., rep., by its Principal Secretary, Revenue Department, Secretariat, Hyderabad.

2. The Joint Collector/Additional District Magistrate, Prakasam District, Ongole.

3. The Revenue Divisional Officer, Kandukur Division, Kandukur, Prakasam District.

4. The Mandal Revenue Officer, Kandukur, Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the 1st respondent in not passing stay order on petitioners' stay petition and revision petition pending before the 1st respondent against enforcement of order dated 27.05.2005 in R Dis E2/4589.2004 passed by the 2nd respondent is illegal, irregular, and contrary to provisions of A.P.Board of

Revenue Standing Orders and offends Art.14, 21 and 300-A of the Constitution of India and consequently direct the respondents not to dispossess the petitioners from their respective lands of Ac.3.80 cts in Sy.No.1173/6A1 and Ac.1.88 cts in Sy.No.173/6A2 of Oguru village pursuant to said order.

Counsel for the petitioners: SRI NIMMAGADDA SATYANARAYANA

Counsel for the Respondents: G.P.FOR REVENUE

The Court at the admission stage made the following :

ORDER:

This writ petition is filed seeking a declaration that the action of the 1st respondent in not passing any order on petitioners' stay petition and revision petition pending before the 1st respondent against enforcement order dated 27.05.2005 in R.Dis. E2/4589.2004 passed by the 2nd respondent is illegal, irregular and consequently direct the respondents not to dispossess the petitioners from their respective lands in an extent of Ac.3.80 cts in Sy.No.1173/6A1 and Ac.1.88 cts in Sy.No.173/6A2 of Oguru village of Kandukuru Mandal, Prakasam district.

The contention of the petitioners is that they are landless poor and as such, the 3rd respondent-Revenue Divisional Officer, Kandukur Division assigned the said lands vide proceedings

No.F.Dis.3/1411, dated 15.12.2001 after receiving the report from the 4th respondent-Mandal Revenue Officer, and since then, they are in possession and enjoyment of the land. It is their case that the Mandal Revenue Officer, Kandukur and the Revenue Divisional Officer, Kandukur have submitted proposals for cancellation of assignment made to them as per BSO 15(18)(i) vide their reports Rc.A/585/2004 dated 18.10.2004 and Rc.B/2835/2004, dated 17.11.2004, on the ground that the pattadars are ineligible for grant of assignment as the assignees are landed ryots and possess an extent of Ac.12.90 cts in S.No.57, 278 etc., of Oguru village of Kandukur Mandal. The petitioners further contend that the 2nd respondent initiated proceedings in R.Dis E2/4589/2004 dated 27.05.2005 against them on the basis of reports of the respondents 3 and 4 for cancellation of the pattas and directed resumption of land on the ground that their father owned land in an extent of

Ac.12.90 cts and they have misrepresented the facts while securing the assignments. Aggrieved by that order, the petitioners filed a revision petition and also filed stay petition, which are pending before the 1st respondent.

Heard the learned Counsel for the petitioners and the learned Government Pleader for Revenue.

Having regard to the fact that the revision petition and also the stay petition are pending before the first respondent, I am not inclined to adjudicate the merits of the case. However, considering the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition directing the

1st respondent to dispose of the stay application pending revision and pass appropriate orders in accordance with law within a period of eight weeks from the date of receipt of this order. However, it is left open to the 1st respondent either to dispose of the stay application or revision in the interest of justice.

In the circumstances, the first respondent is further directed to enquire into the matter as to how and under what circumstances the 4th respondent submitted the report that the petitioners are landless poor and granted pattas in the year 2001 and now submitted the proposal that the assignees are landed ryots and possess an extent of Ac.12.90 cts in S.No.57, 278 etc., of Oguru village of Kandukur Mandal and initiate disciplinary proceedings against the 4th respondent Mandal Revenue Officer.

Writ petition is accordingly disposed of.

22.07.2005

Note: Issue C.C. in two days.

B/o

MRKR

To

1. The Principal Secretary, State of A.P., Revenue Department, Secretariat, Hyderabad.

2. The Joint Collector/Additional District Magistrate, Prakasam District, Ongole.

3. The Revenue Divisional Officer, Kandukur Division, Kandukur, Prakasam District.

4. The Mandal Revenue Officer, Kandukur, Prakasam District.

5. Two C.Cs to the Government Pleader for Revenue, High Court Buildings, Hyderabad.

6. Two C.D.copies.